

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201809823	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/17/2018 8:35 PM	Location of Incident: 35th Avenue and 24th Street	Precinct: 114	18 Mo. SOL 4/17/2020	EO SOL 12/2/2020	
Date/Time CV Reported Mon, 11/05/2018 11:40 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/12/2018 11:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Juan Torres	13539	946335	PSA 9
2. POM Christophe Singh	01593	961288	PSA 9
3. POM Michael Alpers	18406	958234	PSA 9

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Alpers	Abuse: Police Officer Michael Alpers stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Juan Torres	Abuse: Police Officer Juan Torres stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POM Christophe Singh	Abuse: Police Officer Christopher Singh stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.POM Michael Alpers	Abuse: Police Officer Michael Alpers refused to provide his name to § 87(2)(b)	
E.POM Michael Alpers	Discourtesy: Police Officer Michael Alpers spoke discourteously to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g) § 87(2)(b)		

Case Summary

On November 5, 2018, § 87(2)(b) filed this complaint over the phone with IAB. The case was referred to the CCRB on November 12, 2018 under log #18-43913.

On October 17, 2018 at approximately 8:35PM, § 87(2)(b) was driving with his friend § 87(2)(b) on 35th Avenue and 24th Street in Queens when Police Officers Michael Alpers, Juan Torres, and Christopher Singh, all of PSA 9, stopped his vehicle (**Allegations A, B, C- Abuse of Authority: § 87(2)(g)**). § 87(2)(b) asked PO Alpers to provide his name and PO Alpers responded, “Don’t worry about it” (**Allegation D- Abuse of Authority: § 87(2)(g)**). PO Alpers told § 87(2)(b) “I’m going to be deadass with you. Look, you have an active warrant. Go take care of your shit.” (**Allegation E- Discourtesy: § 87(2)(g)**). § 87(4-b) § 87(2)(g)

Neither § 87(2)(b) nor § 87(2)(b) were summonsed or arrested as a result of this incident.

§ 87(2)(b) provided the CCRB with a video that he took on his cell phone that captures this incident (Board Review 01, video summary located at Board Review 02). PSA 9 was not on the BWC Deployment Roster at the time of this incident.

Findings and Recommendations

Allegation A-Abuse of Authority: Police Officer Michael Alpers stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation B-Abuse of Authority: Police Officer Juan Torres stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation C-Abuse of Authority: Police Officer Christopher Singh stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that § 87(2)(b) rear taillight was broken at the time of the stop and that the officers told him that the broken light was the reason for the stop. § 87(2)(b) was not summonsed for this offense.

At 0:39 seconds in the recording of the cell phone video provided by § 87(2)(b) PO Torres told § 87(2)(b) that the reason that § 87(2)(b) was being pulled over was because of a broken light. § 87(2)(b) conceded that the light is often “on and off” (Board Review 01, video summary located in Board Review 02).

Section 375.2(a)3 of the NYS Vehicle and Traffic Law stipulates that all vehicles built after 1952 have two lighted lamps on the rear (Board Review 03).

Traffic stops are lawful provided that they are “based on probable cause that a driver has committed a traffic violation” People v. Robinson, 97. N.Y.2d 341 (2001) (Board Review 04).

§ 87(2)(g)

Allegation D-Abuse of Authority: Police Officer Michael Alpers refused to provide his name to § 87(2)(b)

Allegation E- Discourtesy: Police Officer Michael Alpers spoke discourteously to § 87(2)(b)

In an unverified phone statement to the CCRB, § 87(2)(b) stated that during this incident, he asked all three officers for their names during this incident and that PO Torres and PO Singh provided their names. However, when he asked PO Alpers for his name, PO Alpers responded, "Don't worry about it" and did not provide his name (Board Review 05).

§ 87(2)(b) did not allege that any officer spoke discourteously to him during this incident (Board Review 06).

At 2:55 minutes in the recording in the video provided by § 87(2)(b) PO Alpers is shown standing outside of § 87(2)(b) driver's side door (Board Review 01, video summary located in Board Review 02). § 87(2)(b) asks PO Alpers, "What's your name, sir?" PO Alpers responds, "Don't worry about it." PO Alpers then tells § 87(2)(b) "I'm going to be deadass with you. Look, you have an active warrant. Go take care of your shit." § 87(2)(b) asks, "For what?" PO Alpers says, "It's for a witness. You go down and talk to them." PO Alpers shows § 87(2)(b) something on his phone but it is not visible to the camera. PO Alpers then leaves.

During his CCRB interview, PO Alpers initially stated that he did not remember saying, "Don't worry about it" to § 87(2)(b) or "I'm going to be deadass with you. Look, you have an active warrant. Go take care of your shit" to § 87(2)(b) PO Alpers did not remember either § 87(2)(b) or § 87(2)(b) asked for his name and stated that he would have provided his name if someone asked for it. After watching the video, PO Alpers acknowledged making the discourteous remarks and stated that he did not remember why he made them. PO Alpers declined to offer any justification for his statements.

Patrol Guide Procedure 203-09 states that an officer must courteously state their name to anyone who requests that they do so and that officers must be courteous and respectful in their interactions with the public (Board Review 07).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second complaint in which § 87(2)(b) has been a party.
 - § 87(2)(b)
- This is the first complaint in which § 87(2)(b) is a party.
- Police Officer Michael Alpers has been a member of service for three years and has not been a subject in any closed CCRB complaints.
- Police Officer Juan Torres has been a member of service for 11 years and has been a subject in eight closed CCRB complaints with thirteen allegations, none of which have been substantiated. § 87(2)(g)
- Police Officer Christopher Singh has been a member of service for three years and has not been a subject in any closed CCRB complaints.

Mediation, Criminal, and Civil Histories

- § 87(2)(b) declined to mediate this complaint.
- On June 4, 2019, a request was submitted to the Office of the Comptroller for any notice of claim filed in regards to this incident. The results of this request will be added to the case file upon receipt (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date